BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting October 21, 2008

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:04 P. M., Tuesday, October 21, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: M. S. "Joe" Brito, Vice Chairman; Harry E. Crisp; Mark Dudenhefer; Paul V. Milde, III; George H. Schwartz, Chairman; Cord A. Sterling and Robert "Bob" Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

Legislative; Work Session on Insurance Services. Fire Chief Robert Brown commented.

Mr. Philip Leitma, Senior Field Representative, and Mr. Robert Nevins, Manager, ISO Community Mitigation, gave a presentation and responded to Board members questions.

Discussion ensued.

Hearing no objections from the Board, staff was requested to further review and report back to the Board.

<u>Legislative</u>; <u>Tornado After Action Report.</u> Ms. Tammi Ellis, Acting Executive Director of Administration, commented and gave a presentation.

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Brito motioned, seconded by Mr. Woodson, to adopt the Consent Agenda, consisting of Items 8 thru 13, omitting Item 11.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

<u>Item 8. Utilities; Award Contracts for Purchase of Equipment at the Little Falls Run Wastewater Treatment Facility.</u>

Resolution R08-489 reads as follows:

A RESOLUTION TO AWARD CONTRACTS FOR ULTRAVIOLET
DISINFECTION EQUIPMENT, POSITIVE DISPLACEMENT BLOWERS
AND DIFFUSED AERATION SYSTEM AT LITTLE FALLS RUN
WASTEWATER TREATMENT FACILITY

WHEREAS, the Board has appropriated funds in the Utilities' Department's FY 2009 Capital Improvements Projects (CIP) budget to be expended for the Little Falls Wastewater Enhanced Nutrient Removal Upgrade project; and

WHEREAS, equipment required to be purchased to facilitate installation was offered for competitive bids; and

WHEREAS, the sole bidder for diffused aeration equipment, was Schrieber, LLC.; the sole bidder for the ultraviolet disinfection equipment, was Trojan Technologies; and the responsive and responsible bid for the positive displacement blowers, was from Aerzen USA Corporation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of October 2008, that the County Administrator be and he hereby is authorized to execute a contract with Schrieber, LLC, for diffused aeration equipment at a cost not to exceed One Million Two Hundred Forty-five Thousand Six Hundred Dollars (\$1,245,600); a contract with Trojan Technologies for ultraviolet disinfection equipment at a cost not to exceed Two Hundred Eighty-six Thousand Nine Hundred Dollars (\$286,900); and a contract with Aerzen USA Corporation for positive displacement blowers for a cost not to exceed Six Hundred Thirty-eight Thousand Two Hundred Twenty-seven Dollars (\$638,227) for Little Falls Run Wastewater Treatment Facility Enhanced Nutrient Removal equipment purchases.

<u>Item 9. Public Services; Authorize the County Administrator to Execute a Contract with Columbia Gas Company.</u>

Resolution R08-490 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH COLUMBIA GAS

WHEREAS, Stafford County is eligible to enroll in the Government Account Fixed Rate Agreement with Columbia Gas of Virginia; and

WHEREAS, the County can lock into a fixed-rate at the current market rate for one (1) year; and

WHEREAS, a contract must be signed within a twenty-four hour period of the price quote;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of October 2008, that the County Administrator be and hereby is authorized to execute a contract with Columbia Gas of Virginia for a one-year period.

Item 10. Administration; Authorize a Contract and Appropriate Funds for Installation of a Traffic Signal at Plantation Drive and Lyons Boulevard.

Resolution R08-491 reads as follows:

A RESOLUTION TO AUTHORIZE A CONTRACT AND APPROPRIATE FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT PLANTATION DRIVE AND LYONS BOULEVARD

WHEREAS, the County desires to install a traffic signal and pedestrian crossings on Plantation Drive and Lyons Boulevard; and

WHEREAS, funds for the project in the amount of \$167,864 are budgeted and appropriated in the transportation fund; and

WHEREAS, the design and engineering for the traffic signal has been completed and the project was bid; and

WHEREAS, the lowest and most responsive bidder was Brothers Signal Company at a cost not to exceed \$167,864;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of October, 2008, that the County Administrator be and

he hereby is authorized to award a contract to Brothers Signal Company in an amount not to exceed One Hundred Sixty-seven Thousand Eight Hundred Sixty-four Dollars (\$167,864).

Item 12. Public Information; Endorse the Stafford High School's DECA-An Association of Marketing Students[®] In Case of Emergency (I.C.E.) Program

Resolution R08-494 reads as follows:

A RESOLUTION TO ENDORSE THE STAFFORD HIGH SCHOOL DECA – AN ASSOCIATION OF MARKETING STUDENTS® I.C.E. PROGRAM

WHEREAS, members of the Stafford High School DECA program are committed to expanding their education beyond classroom studies by developing special leadership and marketing skills, undertaking public relations campaigns, and exploring a variety of career opportunities; and

WHEREAS, DECA students have initiated a public information campaign to highlight a free emergency information and notification program called *I.C.E.*, *Connecting You in Case of Emergency* that can be easily loaded into the address book of any cell phone; and

WHEREAS, if the victim of an accident or other medical emergency is unable to speak, emergency medical personnel can access pre-programmed information to obtain a complete medical history and activate a feature that immediately notifies a personal contact including a parent, spouse or sibling; and

WHEREAS, the students are working with a variety of advisors including Supervisors Mark Dudenhefer and Paul Milde; School Board Member Robert Belman; Chief Academic Officer Dr. Andrea Bengier; Stafford High School marketing teacher Lois Simms; Sheriff's Office staff William Kennedy and Sgt. Darrell English; Colonial

Circuits' owner Mark Osborn; GEICO marketing manager Ralph Davis; and Speaker of the Virginia House of Delegates William Howell; and

WHEREAS, the Board desires to endorse the I.C.E. program as a critical component in the effort to provide the best care for victims of accidents and illnesses, and encourages the citizens of Stafford to utilize this simple and effective program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of October, 2008, that the Stafford High School DECA – An Association of Marketing Students[®] I.C.E. program be and it hereby is endorsed as a commendable public service.

Item 13. Public Services; Authorize a Public Hearing to Grant an Easement to Dominion Virginia Power at Fire and Rescue Station #2.

Resolution R08-503 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO GRANT CONVEYANCE OF
AN EASEMENT ON COUNTY-OWNED PROPERTY TO DOMINION
VIRGINIA POWER

WHEREAS, Dominion Virginia Power has requested an easement on County-owned property at Fire & Rescue Station #2, TM 29, Parcel 98 and TM 29, Parcel 99; and

WHEREAS, the granting of the easement will allow Dominion Virginia Power to transmit and distribute electrical power to Fire & Rescue Station #2; and

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, requires that a public hearing be held prior to the granting of such an easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of October, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing on the granting of an easement to Dominion Virginia Power.

<u>Transportation; Recommendations to VDOT and CTB for the FY2010-FY2015</u> <u>Interstate, Primary and Urban Systems Six-Year Improvement Program (SYIP).</u>

Mr. Sterling commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-488.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Resolution R08-488 reads as follows:

A RESOLUTION FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND THE COMMONWEALTH TRANSPORTATION BOARD IN CONSIDERATION OF THE FY2010-FY2015 INTERSTATE, PRIMARY AND URBAN SIX-YEAR IMPROVEMENT PROGRAM

WHEREAS, the Virginia Department of Transportation (VDOT) is updating its Interstate, Primary, and Urban Six-Year Improvement Program (SYIP) for FY2010-FY2015; and

WHEREAS, the Commonwealth Transportation Board (CTB), as it deliberates and approves of the FY2010-FY2015 SYIP, is guided by comments received; and

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WHEREAS, the Planning Commission reviewed and considered the current

SYIP, the recommendation of the Transportation Committee of the Planning

Commission, and staff recommendations for the update; and

WHEREAS, the Board has carefully considered the recommendation of the

Planning Commission and staff; and

WHEREAS, the Board supports this transportation planning process;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 21st day of October, 2008, that the Board be and it hereby

expresses to VDOT and the CTB its support for funding the construction of a new

interchange with Interstate 95 and Courthouse Road (SR-630), funding the improvement

project known as the Falmouth Intersection, funding for the Warrenton Road (US-17)

improvement project from Sanford Drive (SR-670) to Village Parkway (SR-1800), and

funding of the US-1 bridge over Aquia Creek project; and

BE IT FURTHER RESOLVED that a copy of this resolution be submitted to the

VDOT Fredericksburg District Administrator.

Legislative; Closed Meeting. At 2:55 P.M., Mr. Sterling motioned, seconded by Mr.

Dudenhefer, to adopt proposed Resolution CM08-21.

The Voting Board tally was:

Yea:

Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

(7)

Resolution CM08-21 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

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WHEREAS, the Board of County Supervisors desires to consult with counsel and

discuss in Closed Meeting Legal Advice regarding the pending litigation regarding

claims for refunds of the costs of the appeals of the vesting determinations; and

Sherwood Farm, approved subdivision/USA issues; and two personnel matters regarding

the County Attorney and the County Administrator; and

WHEREAS, pursuant to Section 2.2-3711 A.1 and A.7 Va. Code Ann., such

discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors,

on this the 21st day of October, 2008, does hereby authorize discussions of the aforestated

matters in Closed Meeting.

Call to Order. At 3:53 P. M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Milde motioned, seconded by Mr.

Dudenhefer, to adopt proposed Resolution CM08-21a.

The Voting Board tally was:

Yea:

Schwartz, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay:

(0)

Absent: (1) Sterling

Resolution CM08-21a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON

OCTOBER 21, 2008

WHEREAS, the Board has, on this the 21st day of October, 2008, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 21st day of October, 2008, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Recess. At 3:57 P.M., the Chairman declared a recess.

<u>Call to Order.</u> At 5:04 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; A Joint Budget Work Session with the School Board. Ms. Patricia Healy, Chairman of the School Board, gave a presentation and responded to Board members questions.

Discussion ensued.

Recess. At 6:08 P.M., the Chairman declared a recess until 7:00 P.M.

<u>Call to Order.</u> At 7:04 P.M., the Chairman called the meeting back to order.

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Pledge of Allegiance. Sheriff's Office Special Star Force Program Posted the Colors and

led in the recitation of the Pledge of Allegiance to the Flag of the United States of

America.

<u>Invocation</u>. Mr. Milde gave the Invocation.

Legislative; Presentation of Proclamations.

□ Recognize and Commended Elnora A. Pondexter

Declared October 19-25, 2008, as National Teen Driver Safety Week in

Stafford

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as

identified:

Jerry Stafford

Freedom of speech and posting of signs

Cecelia Kirkman

Transportation Bond Referendum

Utilities; Repeal the Widewater Area Water and Sewer Master Plan. Mr. Dale Allen,

Assistant Director of Utilities-Engineering, gave a presentation and responded to Board

members questions.

The Chairman opened a public hearing.

The following person spoke:

Rick Lawson

The Chairman closed the public hearing.

Mr. Woodson motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-471.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Sterling, to add language which states that preliminary plans that were recommended for approval by staff and the subject of a Planning Commission hearing prior to the Board of Supervisors action may be allowed to defer revisions to their preliminary plan to conform with the well and septic provisions of the Comprehensive Plan until submission of final plat at which time the applicant would provide the necessary technical amendments to their preliminary plan to conform with the Comprehensive Plan.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea: (3) Dudenhefer, Milde, Sterling

Nay: (4) Woodson, Brito, Crisp, Schwartz

The Voting Board tally on the original motion was:

Yea: (4) Woodson, Brito, Crisp, Schwartz

Nay: (3) Sterling, Dudenhefer, Milde

Resolution R08-471 reads as follows:

A RESOLUTION TO REPEAL THE WIDEWATER STUDY AREA WATER AND SEWER MASTER PLAN

WHEREAS, the Board has authority to approve changes to the County's Comprehensive Plan; and

WHEREAS, the Board has revised the Land Use Plan in the Widewater Area; and

WHEREAS, the Widewater Area Study Water and Sewer Master Plan is no longer compatible with the County's Land Use Plan; and

WHEREAS, the Planning Commission has recommended that the Board repeal the Widewater Study Area Water and Sewer Master Plan; and

WHEREAS, the Utilities Commission has recommended that the Board repeal the Widewater Area Study Water and Sewer Master Plan; and

WHEREAS, the Board has carefully considered the recommendations of the Utilities Commission, Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board determined that the Widewater Area Study Water and Sewer Master Plan is incompatible with the revised Land Use Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of October 2008, that the Widewater Study Area Water and Sewer Master Plan be and it hereby is repealed.

<u>Planning and Zoning; Consider a Conditional Use Permit to Allow a Medical Clinic at 60</u> <u>Prosperity Lane.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Jay Lustig, Applicant

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-472.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Resolution R08-472 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2800479 TO ALLOW A MEDICAL CLINIC IN A B-2, URBAN COMMERCIAL, ZONING DISTRICT, ON ASSESSOR'S PARCEL 21-26F, AQUIA ELECTION DISTRICT

WHEREAS, Patient First Corporation, applicant, has submitted application CUP2800479 requesting a Conditional Use Permit to allow a medical clinic in a B-2, Urban Commercial, Zoning District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Stafford County Code Section 28-35, Table 3.1 of the Zoning Ordinance, which permits this use in a B-2, Urban Commercial, Zoning District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 21st day of October, 2008 that a Conditional Use Permit pursuant to application CUP2800479 be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is for the operation of a Medical Clinic on Assessor's Parcel 21-26F, with the hours of operation daily 8:00 a.m. to 10:00 p.m.
- 2. Development of the site shall be in general conformance with the General Development Plan in Exhibit 1 entitled "Patient First", dated September 10, 2008 and as revised on September 29, 2008, and with the architectural elevation in Exhibit 2, entitled "Patient First" dated September 9, 2008.
- 3. Access to the site shall be limited to one entrance on Prosperity Lane.
- 4. If requested by Virginia Department of Transportation (VDOT), the median located on Prosperity Lane along the frontage of the subject parcel shall be removed by the applicant/owner in accordance with VDOT standards.
- 5. The billboard located on the site shall be removed prior to the issuance of an occupancy permit.
- 6. Storage of all medications shall be in accordance with federal, state and local guidelines.
- 7. Storage and disposal of infectious or medical wastes shall be in accordance with federal, state and local guidelines.
- 8. There shall be no storage of radioactive material on site.
- 9. Minor surgery may be permitted; however, there shall be no use of blood products associated with performing any surgical procedure.

- 10. Lighting for the facility shall be directed downward and inward on the site to prevent glare.
- 11. If building permits are not obtained within three (3) years from the date of approval, this Conditional Use Permit shall expire.
- 12. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, Federal or State codes.

<u>Planning and Zoning; Consider a Conditional Use Permit for Ball Field Lights at 33 Stafford Indians Lane.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Sterling, to adopt proposed Resolution R08-475.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

Resolution R08-475 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2800467 FOR AN INCREASE OF MAXIMUM HEIGHT IN AN A-1, AGRICULTURAL, ZONING DISTRICT, ON ASSESSOR'S PARCEL 45-227C WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Stafford County Public Schools, applicant, has submitted application CUP2800467 requesting a Conditional Use Permit to allow an exception to the maximum height in an A-1, Agricultural, Zoning District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Sections 28-38 and 28-185 of the Zoning Ordinance which permits this exception for height regulations after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of October, 2008, that a Conditional Use Permit pursuant to application CUP2800467 be and it hereby is approved with the following conditions:

- 1. The Conditional Use Permit shall be for an exception to the maximum permitted height for softball field lighting on Assessor's Parcel 45-227C.
- 2. The maximum height of the light poles shall not exceed 60 feet.
- 3. A revision to the approved site development plan (SPR2800085) shall be submitted showing the location of the softball field lighting.
- 4. The lights shall be extinguished no later than midnight.
- 5. Light fixtures shall be shielded to direct light on the playing field and away from adjacent properties.

- 6. Stafford County Public Schools staff or appropriate personnel shall be present on site during the hours in which the lights are in operation.
- 7. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, Federal or State codes.

Sheriff; Amend Stafford County Code, Section 5-18 Entitled "Noise from Animals". Mr. Michael Null, Captain, Animal Control, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

John Franke

Antoinette Franke

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O08-73.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Ordinance O08-73 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 5-18, ENTITLED "NOISE FROM ANIMALS"

WHEREAS, the current County Code does not adequately address the problem of barking dogs; and

WHEREAS, it is the desire of the Board to amend the Stafford County Code to address this problem by strengthening the penalties for those who allow their pet to disturb the quiet, comfort, or repose of one or more members of the community; and

WHEREAS, the Board has conducted a public hearing and carefully considered the recommendations of the staff, and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this 21st day of October, 2008, that Stafford County Code, Section 5-18, be and it hereby is amended and reordained to read as follows:

Sec. 5-18. Noise from animals.

- (a) It shall be unlawful for any person to allow within the county prolonged or intense barking or other harsh or excessive noises to be made by any animal under his ownership or control, at any time, so as to disturb the quiet, comfort or repose of one or more members of the community.
- (b) For the purpose of this section, a harsh or excessive animal noise is one which disturbs the quiet, comfort or repose of a reasonable person with normal sensitivities.
- (b) For the purpose of this section, a person shall be deemed to have "allowed" his animal to bark or create other harsh noises if he has once been put on notice by a deputy, animal control officer or any other officer and thereafter fails to confine such animal(s) inside his dwelling unit or enclosed structure or to take similar action calculated to terminate such disturbance.
- (c) For the purpose of this section, a person shall be deemed to have "allowed" his animal to bark or create other harsh or excessive noises if he

has once been put on notice by the county sheriff's office or the animal control officer, upon the complaints of two (2) persons who are not members of the same household, unless there are no more than five (5) households within one-quarter mile of the noise source, that the animal is disturbing one or more members of the community and he thereafter fails to confine such animal inside his dwelling unit or other enclosed structure or take similar action calculated to terminate such disturbance. It shall not be necessary for the sheriff's office or animal control officer to issue a new notice for each repeated occurrence.

- (c) For the purpose of this section, a person shall be deemed to have allowed his animal to bark or create other harsh noises that can be heard through one or more partition walls of an enclosed structure; ie., apartments, townhomes, or any other adjoining residence or building if he has been put on notice once by a deputy, animal control officer, or other officer.
- (d) Notwithstanding the above provisions of this section, harsh or excessive animal noise emanating from any commercial kennel established prior to the development of any residential property upon which such sounds may be audible shall not be considered noises in violation of this section.
- (d) Enforcement. No person shall be charged with a violation of this section unless the complainant shall appear before a magistrate and make complaint thereof and request a summons or warrant be issued charging such violation in the manner provided by law.
- (e) Not withstanding the above, when a violation is committed in the presence of a deputy, animal control officer or other law enforcement officer, the officer may proceed to issue a summons.

(f) After being put on notice, each complaint shall constitute a separate offense. Violation of the section shall be punishable as a class 4 misdemeanor.

<u>Legislative</u>; <u>Additions and Deletions to the Regular Agenda</u>. Mr. Milde motioned, seconded Mr. Woodson to add the following to the Regular Agenda: Item 19. Discuss Fall VPSA 2008 B Borrow and delete Item 16d. Discuss amendment to the Comprehensive Plan – Urban Services Area.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Sterling, Woodson, Brito, Dudenhefer

Nay: (0)

Absent: (1) Crisp

<u>Legislative</u>; <u>Internal Auditor Budget Report.</u> Ms. Anica Ashbourne, Chief Internal Auditor, gave a report on the 2009 and 2010 Budgets and responded to Board members questions.

<u>Budget and Finance; Further Discussion on Presentation on 2009 1st Quarter (Update)</u> and 2010 (Preview). The County Administrator commented.

Mr. Dudenhefer motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-507.

Discussion ensued.

Mr. Sterling made a substitute motion to adopt proposed Resolution R08-507, striking the last paragraph (BE IT FURTHER RESOLVED that the FY2009 Schools' budget be reduced by \$2,007,658) and add 'that sufficient funds be provided to insure fire service to the western part of the County.'

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The motion failed for lack of a second to the motion.

Discussion further ensued.

Mr. Dudenhefer modified his motion to change the last paragraph to read to 'request' the School Board to reduce its budget by \$2,007,658. Mr. Brito accepted the amended motion.

The Voting Board tally on the original motion was:

Yea: (6) Schwartz, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (1) Sterling

Resolution R08-507 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE FURTHER FY 2009 BUDGET REDUCTIONS

WHEREAS, the Board approved Fiscal Year 2009 Budget with expenditures equal to revenues; and

WHEREAS, due to economic conditions, certain revenues are projected to be lower than budgeted; and

WHEREAS, it is the Board's desire that the fiscal year 2009 Budget remain structurally balanced; and

WHEREAS, on the 7th day of October 2008, the Board approved three of the County Administrator's five recommendations for addressing revenue shortfalls in FY2010, authorizing the following:

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1. reduction of departmental expenditures by \$3,151,610;

2. a General Fund hiring freeze, with the County Administrator retaining authority

for emergency recruitments;

3. a 3% overall reduction of budgets of outside agencies whose County funding

exceeds \$35,000, and with whom the County does not have a contractual

obligation disallowing such action; and

WHEREAS, after careful consideration, the Board wishes to implement further

action to maintain a balanced budget;

NOW, THEREFORE, BE IT RESOLVED that the number of General Fund full-

time positions be reduced from 692 to 686; and

BE IT FURTHER RESOLVED that the School Board be and it hereby is

requested to reduce its FY2009 budget by \$2,007,658.

Legislative; Discuss Personal Property Tax on Aircraft. Mr. Walter George, Chairman of

the Airport Authority, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Schwartz, to authorize a public hearing to consider

reducing the tax rate.

The Voting Board tally was:

Yea: (3)

(3) Dudenhefer, Milde, Schwartz

Nay: (4)

(4) Woodson, Brito, Crisp, Sterling

Legislative; Discuss Funding for the Senior Meals Program. Mr. Brito commented.

Mr. Chris Hoppe, Director of Parks and Recreation, commented further and responded to

Board members questions.

Mr. Brito motioned, seconded by Mr. Woodson, to reduce the Board's budget by \$4,800 (\$1000 from Advertising; \$1000 from Meeting Expense; and \$2800 from Dues and Memberships, and cancel the membership in the Chamber of Commerce) to fund the Senior Meals Program.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Sterling, to request membership in the Chamber of Commerce not be cancelled.

The Voting Board tally on the substitute motion was:

Yea: (3) Dudenhefer, Milde, Sterling

Nay: (4) Crisp, Schwartz, Woodson, Brito

The Voting Board tally on the original motion was:

Yea: (6) Brito, Crisp, Milde, Schwartz, Sterling, Woodson

Nay: (1) Dudenhefer

<u>Legislative</u>; <u>Discuss Transportation Impact Fee Advisory Committee Appointments.</u>
The Chairman commented.

Hearing no objections from the Board, this item was deferred until the next Board meeting.

<u>Legislative</u>; <u>Discuss Master Planning for Musselman Park.</u> Mr. Brito commented.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Woodson, to request the high school vocational education program "BOOTS" to design a master plan for Musselman Park and bring back a set of plans to the Board in March 2009.

The Voting Board tally was:

Yea: (5) Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (2) Dudenhefer, Milde

<u>Utilities</u>; <u>Consider Subsidized Pump and Haul Service at 51 Deshields Court.</u> Mr. Dale Allen, Assistant Director of Utilities-Engineering, gave a presentation and responded to Board members questions.

Mr. Sterling motioned for the adoption of proposed Resolution R08-497 with the stipulation that it not exceed twenty-four months.

The motion failed for lack of a second to the motion.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-498.

Discussion further ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-497 with the stipulation that it not exceed twenty-four months.

The Voting Board tally on the substitute motion was:

Yea: (1) Sterling

Nay: (6) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

The Voting Board tally on the original motion was:

Yea: (6) Schwartz, Sterling, Woodson, Crisp, Dudenhefer, Milde

Nay: (1) Brito

Resolution R08-498 reads as follows:

A RESOLUTION TO AUTHORIZE NON-RESIDENTIAL PUMP AND HAUL AT 51 DESHIELDS COURT

WHEREAS, it is necessary to provide pump and haul services for sewage storage facilities; and

WHEREAS, the County has an Agreement and General Permit with the State Health Department for pump and haul services; and

WHEREAS, pump and haul services are required for 51 Deshields Court; and

WHEREAS, it is necessary for the County to add new locations to the General Permit Agreement with the Virginia Department of Health;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of October, 2008, that the County Administrator be and he hereby is authorized to add 51 Deshields Court to the Agreement with the Virginia Department of Health; and

BE IT FURTHER RESOLVED that these services will be discontinued and removed from the agreement with the Virginia Department of Health when public sewer becomes available to this parcel; and

BE IT STILL FURTHER RESOLVED that Stafford County bears no financial obligation and the anticipated occupant will bear all costs associated with pump and haul services.

<u>Legislative</u>; <u>Discuss Fall VPSA 2008 B Borrow.</u> Mr. Wayne Carruthers, Assistant Superintendent for Financial Services of the School Board, gave a presentation and responded to Board members questions.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-540.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Resolution R08-540 reads as follows:

A RESOLUTION AMENDING THE RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF STAFFORD, VIRGINIA TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY PURSUANT TO THE 2008 FALL NON-SUBSIDY SALE

WHEREAS, on September 16, 2008, the Board of Supervisors (the "Board") of the County of Stafford, Virginia (the "County") adopted a resolution (the "Original Resolution") authorizing the issuance by the County of its general obligation school bonds (the "Bonds") for purposes of financing certain capital projects for school purposes.

WHEREAS, the County authorized the issuance and sale of the Bonds through the 2008 Fall Non-Subsidy Program by the Virginia Public School Authority.

WHEREAS, in the Original Resolution, the Board approved a number of financing terms within which the Bonds could be issued, including, but not limited to, the maximum true interest cost per annum on the Bonds.

WHEREAS, as a result of current market conditions, Virginia Public School Authority is concerned that it will be unable to sell the County's Bonds for a true interest cost less than six percent (6.0%) and has requested that the County authorize that the Bonds may be sold at a true interest cost not to exceed seven percent (7.0%).

WHEREAS, the Board has determined it necessary to amend the Original Resolution to increase the maximum true interest cost at which the Bonds may be sold.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA:

- 1. <u>Amendment of Resolution</u>. The Board hereby amends paragraph 4 of the Original Resolution to increase the not to exceed true interest cost on the Bonds from six percent (6.0%) to seven percent (7.0%) per annum.
- 2. <u>Filing of Resolution</u>. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.
 - 3. <u>Effective Date</u>. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on October ___, 2008, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Stafford, Virginia, this _____ day of October, 2008.

	Clerk, Board of Supervisors	
	of the County of Stafford, Virginia	
(SEAL)		
Adjournment. At 10:30 P. M. the Chairm	an declared the meeting adjourned.	
Anthony J. Romanello, ICMA-CM	George H. Schwartz	
County Administrator	Chairman	